STATE OF MICHIGAN

COURT OF APPEALS

	UNPUBLISHED January 29, 2013
In the Matter of GILL/MINGO/WILLIAMS/MINGO-WILLIAMS, Minors.	No. 308914 Ingham Circuit Court Family Division LC No. 09-000223-NA
In the Matter of J. J. Z. HALL, Minor.	No. 310219 Ingham Circuit Court Family Division LC No. 11-001342-NA

Before: WHITBECK, P.J., and SAAD and SHAPIRO, JJ.

PER CURIAM.

In Docket No. 308914, respondent appeals as of right the trial court's order terminating her parental rights with respect to six of her children pursuant to MCL 712A.19b(3)(c)(*i*) (conditions that led to the adjudication continue to exist), MCL 712A.19b(3)(g) (failure to provide proper care or custody), and MCL 712A.19b(3)(j) (reasonable likelihood of harm if children are returned). In Docket No. 310219, respondent appeals as of right the trial court's order terminating her parental rights with respect to another child pursuant to MCL 712A.19b(3)(g) and MCL 712A.19b(3)(j). We affirm because petitioner made sufficient efforts to reunite respondent with her children.

In her respective appeals, respondent argues that petitioner failed to provide her with "adequate services" for reunification. Generally, we review a trial court's findings of fact in a termination proceeding for clear error. *In re Fried*, 266 Mich App 535, 541; 702 NW2d 192 (2005). However, because respondent did not timely challenge the trial court's adoption of petitioner's service plans, *In re Terry*, 240 Mich App 14, 27; 610 NW2d 563 (2000), we review respondent's unpreserved issue for plain error affecting substantial rights. *In re Utrera*, 281 Mich App 1, 8; 761 NW2d 253 (2008).

In a child protective proceeding brought under MCL 712A.2, and where the child was placed outside of a parent's home following a determination that the trial court has jurisdiction over the child, petitioner must generally make "[r]easonable efforts to reunify the child and

family." MCL 712A.19a(2); see also *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010). In order to meet this responsibility, the petitioning agency generally must provide the court and the parent a case service plan, MCL 712A.13a(10); MCL 712A.18f(2), which includes a "[s]chedule of services to be provided to the parent . . . to facilitate the child's return to his or her home or to facilitate the child's permanent placement," MCL 712A.18f(3)(d), before a court can enter an order of disposition. The petitioner must update the service plan every 90 days, and the trial court must reevaluate the respondent's compliance with the service plan. *In re Rood*, 483 Mich 73, 99; 763 NW2d 587 (2009), citing MCL 712A.18f(5); MCL 712A19(6), (7). A parent must be given an opportunity to comply with the service plan before parental rights are terminated. *In re Mason*, 486 Mich at 159; see also *In re HRC*, 286 Mich App 444, 462; 781 NW2d 105 (2009) ("Generally, when a child is removed from the parents' custody, the petitioner is required to make reasonable efforts to rectify the conditions that caused the child's removal by adopting a service plan.").

DOCKET NO. 308914

The trial court did not err in finding that petitioner made reasonable efforts for reunification in Docket No. 308914. Caseworkers testified that respondent was offered a variety of services to improve her parenting skills and ultimately reunite with her children. These services included the following programs: Intensive Neglect Services, Love and Logic, Parents Raising Safe Kids, Roots and Wings, Therapeutic Home Visitation, and Wraparound. Caseworkers also testified that respondent was offered a variety of services to address her depression and other mental-health issues. These services included individual therapy and counseling, a parent support group, and at least one psychological evaluation. Further, caseworkers testified that these parenting and mental-health services were provided to respondent for several years, with minimal success.

Respondent argues that petitioner's services were inadequate because they did not adequately address her "long-standing depression issues." However, the record clearly indicates that respondent received individual and group therapy over a period of several years to address her mental health issues. Respondent complains that "[t]here is no indication that the petitioner made a referral for [her] to receive a psychiatric assessment to determine whether psychotropic medications would ease her depression." However, the record clearly shows that respondent was referred for a psychological evaluation. Respondent does not argue that further assessment might have concluded that drug therapy was warranted. Further, respondent testified at trial that she was satisfied with the absence of medication and that she has been able to cope with her depression by adding recreational activities to her schedule, e.g., by going to the movies or a restaurant.

Given the extensive list of services offered to respondent, as well as the amount of time respondent was given to avail herself of these services, the trial court's finding that petitioner made reasonable efforts for reunification was not erroneous.

DOCKET NO. 310219

Respondent correctly observes that the only services provided by petitioner in the context of Docket No. 310219 were the attempts to schedule hospital visitations with the newborn.

However, “[p]ursuant to MCL 712A.19a(2)(c), the prior involuntary termination of parental rights to a child’s sibling is a circumstance under which reasonable efforts to reunite the child and family need not be made.” *In re Smith*, 291 Mich App 621, 623; 805 NW2d 234 (2011). Respondent’s parental rights in Docket No. 308914 were terminated on January 27, 2012, and respondent’s parental rights in Docket No. 310219 were terminated on April 2, 2012. Moreover, MCL 712A.19b(3)(*i*) provides that “[t]he court may terminate a parent’s parental rights to a child if the court finds, by clear and convincing evidence, . . . [p]arental rights to 1 or more siblings of the child have been terminated due to serious and chronic neglect . . . and prior attempts to rehabilitate the parents have been unsuccessful.” (Paragraph structure omitted.) See also *In re AH*, 245 Mich App 77, 84; 627 NW2d 33 (2001) (discussion the doctrine of anticipatory neglect). Here, the court stated: “[A]nd I do have to go back again to the prior termination regarding her other children, that this just shows to the Court that she is going to be unable to provide any kind of care, this little guy needs chronic care, 24/7 care, in and out of the hospital.” Respondent has failed to show error on the part of the trial court.

Affirmed.

/s/ William C. Whitbeck
/s/ Henry William Saad
/s/ Douglas B. Shapiro